

OPEN MEETING ITEM

COMMISSIONERS
GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

ORIGINAL



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EXECUTIVE DIRECTOR
RECEIVED

ARIZONA CORPORATION COMMISSION

DATE: MAY 6, 2011

DOCKET NO.: T-03705A-08-0349

2011 MAY -6 P 12:52

DOCKET CONTROL

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Marc Stern. The recommendation has been filed in the form of an Order on:

LEGACY TELECOMMUNICATIONS CORPORATION
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

MAY 16, 2011

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

MAY 24, 2011 and MAY 25, 2011

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission
DOCKETED

MAY 6 2011

DOCKETED BY

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 GARY PIERCE - Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF THE APPLICATION OF
9 LEGACY TELECOMMUNICATIONS
10 CORPORATION TO CANCEL ITS CERTIFICATE
11 OF CONVENIENCE AND NECESSITY TO
12 PROVIDE COMPETITIVE INTRASTATE
13 TELECOMMUNICATIONS SERVICES AS A
14 RESELLER.

DOCKET NO. T-03705A-08-0349

DECISION NO. _____

ORDER

15 Open Meeting
16 May 24 and 25, 2011
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

19 Having considered the entire record herein and being fully advised in the premises, the
20 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

21 FINDINGS OF FACT

22 1. Pursuant to Decision No. 61988 (October 8, 1999), Legacy Telecommunications
23 Corporation ("Legacy" or "Company") was granted a Certificate of Convenience and Necessity
24 ("Certificate") to provide resold intrastate telecommunications services in Arizona.

25 2. On July 9, 2008, the Company filed with the Commission an application for the
26 cancellation of its Certificate ("Application"). Legacy stated that it had ceased operations as of June
27 1, 2007, was no longer in business and that all of the assets had been sold and the proceeds paid to a
28 bank which had been a secured creditor.

3. On July 22, 2008, the Commission's Utilities Division Staff ("Staff") sent Data
Requests to Legacy, but received no response.

4. On December 22, 2010, Staff filed its Staff Report recommending approval of
Legacy's Application.

5. Staff states the Company's Annual Reports which were filed from 1999 through 2006

indicate that Legacy did not provide service in Arizona or collect any advances, deposits and/or prepayments.

6. Staff reported that there were no customer complaints, inquiries or opinions against the Company from January 1, 2006 through September 28, 2010. Staff found further that the Commission's Corporations Division had revoked Legacy's ability to transact business in Arizona on July 2, 2008, for failure to file its annual report.

7. Staff states that since the Company had no Arizona customers and did not collect any advances, deposits and/or prepayments, the requirements of A.A.C. R-14-2-1107 should be waived.

8. Staff recommends approval of Legacy's Application and the cancellation of the Company's Certificate.

9. Staff's recommendations are reasonable and should be adopted.

CONCLUSIONS OF LAW

1. The Company is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over the Company and the subject matter of the Application.

3. The cancellation of the Company's Certificate is in the public interest, and the Application should be granted as recommended by Staff.

4. Pursuant to A.R.S. § 40-282, the Commission may issue decisions regarding Certificates of Convenience and Necessity for certain telecommunication services without a hearing.

5. The requirements of A.A.C. R14-2-1107 should be waived in this case.

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ORDER

IT IS THEREFORE ORDERED that the Application of Legacy Telecommunications Corporation for the cancellation of its Certificate of Convenience and Necessity to provide resold interexchange telecommunications services in Arizona is approved, and its Certificate of Convenience and Necessity is hereby cancelled.

IT IS FURTHER ORDERED that Legacy Telecommunications Corporation is hereby granted a waiver of A.A.C. R14-2-1107.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2011.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

MES:db

1 SERVICE LIST FOR: LEGACY TELECOMMUNICATIONS CORPORATION

2 DOCKET NO.: T-03705A-08-0349

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